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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:	Chapter 13 Proceedings
NANCY ANN PADILLA	Case No: 4:20-bk-01538-BMW
Debtor.	MOTION FOR REFERRAL TO MORTGAGE MODIFICATION MEDIATION PROGRAM

The Debtor files this Motion for Referral to Mortgage Modification Mediation Program (“Motion for Referral”) and requests that the Court enter an Order Granting Motion for Referral to Mortgage Modification Mediation” (“Referral Order”) referring Debtor and Pennymac Loan Services (“Lender”) to Mortgage Modification Mediation (“MMM”) Program and states as follows:

1. Debtor is an individual who has filed for bankruptcy relief under, or converted to, Chapter 13 on February 14, 2020. Debtor has paid the bankruptcy filing fee in full.
2. This Motion is being filed:
 - ☒ within ninety (90) days after the petition date.
 - ☐ later than ninety (90) days after the petition date for the following reason(s):
3. Debtors request MMM for real property (“Property”) located at the following street address:

3061 W. Mountain Dew Street, Tucson, AZ 85746

The account number for this loan is 4570 (last four digits).

1 a. The Property is (check one box):

2 ✓ the Debtor's primary residence.

3 ☐ not the Debtor's primary residence.

4 b. Borrowers obligated on the promissory note and mortgage on the Property
5 are (check one box):

6 ✓ Debtor only.

7 ☐ Debtor and non-filing co-obligor/co-borrower/third party.

8 c. If applicable, Debtor has filed with this Motion the MMM Local Form
9 "Third-Party Consent to Attend and Participate in Mortgage Modification
10 Mediation" signed by each co-obligor/co-borrower/third party.

11 4. Debtor: ☐ has ✓ has not (check one) previously sought Mortgage Modification
12 Mediation for the subject property. (If previously sought in this or any other
13 Chapter 13 case, identify all bankruptcy case number(s) and result of Mortgage
14 Modification Mediation(s):

15 5. Debtor intends to (check all boxes that apply):

16 ✓ modify the mortgage on the Debtors' primary residence.

17 ☐ modify the mortgage on Property that is not the Debtors' primary residence.

18 6. Debtor has completed the initial loan modification forms using the Document
19 Preparation Software, and collecting the supporting documentation required for
20 submission to Lender for review through the MMM Portal.

21 7. Prior to filing this motion, Debtor has determined that:

22 ✓ Lender is registered with the approved Mortgage Modification Mediation
23 Portal ("MMM Portal");

☐ Lender is not registered. Debtor requests the Court require Lender, within fourteen (14) days after the entry of the Order, to register with the MMM Portal and provide to the MMM Portal vendor any forms or documents which Lender may require to initiate a review under the MMM. The MMM Portal vendor shall post any such forms or documents to the Lender's profile on the MMM Portal.

8. Debtor requests Lender consider (check as many boxes as applicable):

☒ a loan modification.

☐ a deed in lieu of foreclosure.

☐ surrender options.

☐ other:

9. IF DEBTOR IS REQUESTING NON-RETENTION (SURRENDER)

OPTIONS:

a. Debtor will submit all additional documents required for surrender as

b. provided for on the MMM Portal.

c. Debtor represents that the property has or has not been listed for sale.

10. Debtor has verified the eligibility of PATRICIA DOYLE-KOSSICK to serve as a Mediator under the MMM Procedures and requests that the Court assign this individual as the Mediator in the case.

11. If the Debtor is represented by an attorney, Debtors remitted the required Mediator's fee pursuant to the MMM Procedures to the Debtors' attorney, or has made other arrangements with Debtors' attorney for payment of the Mediator's fee. Debtors understand and acknowledge that after the Mediator is assigned, the

Mediator's fee is not refundable for any reason at any time.

12. If the Debtor is not represented by an attorney, the Debtor obtained a money order or a cashier's check to pay the required Mediator's fee pursuant to the MMM Procedures, and a copy of that money order or cashier's check is attached. Debtors understand and acknowledge that after the Mediator is assigned, the Mediator's fee is not refundable for any reason at any time.
13. Within seven (7) days after entry of a Referral Order, Debtor shall pay a non-refundable MMM Portal submission fee to the MMM Portal vendor and upload to the MMM Portal:
 - a. A copy of the Referral Order referring the case to the MMM Program; and
 - c. Debtors' Prepared Package (prepared using the Document Preparation Software);
14. Within seven (7) days after entry of a Referral Order, Debtor shall identify the assigned Mediator on the MMM Portal.
15. Debtor will forward the Mediator's fee directly to the Mediator within seven (7) days after receiving initial contact and payment instructions from the assigned Mediator on the MMM Portal.
16. If Debtor is represented by counsel, Debtor consents to Lender communicating directly with Debtors' attorney for any and all aspects of the mortgage modification mediation program.
17. If Debtor is not represented by counsel, Debtor may be contacted at the following phone number(s) and e-mail address:
18. If the Debtors' Chapter 13 case is dismissed, converted, or otherwise removed from the District of Arizona prior to Debtors' completion of the MMM Program, the MMM proceedings in the case will immediately terminate and the parties will be

1 relieved of the requirements of these procedures.

2 **WHEREFORE**, Debtor requests that this Motion for Referral be granted and for such
3 other and further relief as this Court deems proper.
4

5 Dated: March 3, 2020

LAW OFFICES OF MATTHEW FOLEY, PLC

7 By: /s/ MF (023212)
8 MATTHEW T. FOLEY, Esq. #023212
9 *Attorney for Debtor*

10 **DEBTORS' VERIFICATION**

11 I declare under penalty of perjury the foregoing is true and correct

12 Date: March 3, 2020

13 /s/ Nancy Ann Padilla
14 Nancy Ann Padilla
15 Debtor
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